IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MERITT I. ANDERSON,)
Petitioner,) Civil Case No. 05-606-ST
vs.) ORDER
STATE OF OREGON,)
Respondent.))

Patrick J. Ehlers Assistant Federal Public Defender 101 S.W. Main Street, Suite 1700 Portland, Oregon 97204

Attorney for Petitioner

Hardy Myers Attorney General Lynn David Larsen Assistant Attorney General Department of Justice 1162 Court Street N.E. Salem, Oregon 97310

Attorneys for Respondent

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on May 16, 2007. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Petitioner filed objections to the Findings and Recommendation, and respondent filed a response.

When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore

Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Stewart's Findings and Recommendation (#41) and I DISMISS the Amended Petition for Writ of Habeas Corpus (#25).

Dated this $\frac{34}{3}$ day of June, 2007.

Garr M. King

United States District Judge